IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W. P. No. 1043 of 2003 (S/S)

Jagat Singh Bisht …… Petitioner.

Versus

State of Uttaranchal & others ….. Respondents.

Mr. P.S. Adhikari, learned counsels for the petitioner.
Mr. J.C. Belwal, learned counsel for the respondents No. 3 & 4.

Hon'ble P.C. Verma, A.C.J.

This writ petition has bee filed by the petitioner seeking a writ of certiorari to quash the impugned transfer order dated 6.9.2003 passed by respondent No. 4 by which the petitioner is directed to join at Uttarkashi. A further prayer has been made for a writ of mandamus to command the respondents to give the service benefits to the petitioner as per judgment of the Tribunal dated 30.4.2003 by giving the joining along with his arrear of salary from 30.4.2003 and not from 11.8.2003 as mentioned in the impugned order.

Heard Mr. P.S. Adhikari, learned counsel for the petitioner and Mr. J.C. Belwal, learned counsel for respondents No. 3 & 4.

The short controversy raised in this writ petition to be decided is whether the petitioner is entitled for payment of salary from the date of Tribunal's order dated 30.4.2003 or from the date of his joining. After the claim petition of the petitioner was allowed, he submitted his joining in the office of the Directorate of Dairy, Uttaranchal at Haldwani and he has been posted at Uttarkashi.

Learned counsel for the petitioner submitted that the petitioner is ready to go to Uttarkashi provided his all the arrears of salary shall be paid. The Tribunal vide its judgment dated 30.4.2003 has reinstated the petitioner. Therefore, the petitioner is entitled for payment of salary from the date of the judgment of the Tribunal i.e. 30.4.2003.

Therefore, I direct that the petitioner shall be paid salary from the date of the judgment of Tribunal dated 30.4.2003 and also the notional promotion shall be given to the petitioner if any junior person

has been promoted. The payment of arrears of salary shall be made within a period of one week from the date of production of certified copy of this order and after the receipt of the arrears of salary and salary of the month, the petitioner shall proceed and join at the place of posting in Uttarkashi within 7 days.

With the aforesaid directions, the writ petition is disposed of. No order as to costs.

(P.C. Verma, A.C.J.)

Dt. 28.06.2004
G